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December 22, 2005

RECIPIENT NAME(S)	RECIPIENT FAX NUMBER(S)	RECIPIENT TELEPHONE NUMBER(S)
Board of Patent Appeals and Interferences Attn: Dianne Maggard	(571) 273-0299	
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David R. Marsh	(202) 942-5068	982
CLIENT/MATTER NUMBER	TIMEKEEPER NUMBER	NUMBER OF PAGE(S)
16517.276	4979	We are transmitting 3 page(s) (including this cover sheet)
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<b>MESSAGE</b>		

Re: Appeal No. 2004-1275; Conf. No. 1048

U.S. Patent Appln. Ser. No. 09/540,235 filed April 3, 2000

Title: Nucleic Acid Sequences from *Cyanidium Caldarium* and Uses ThereofInventors: Dane K. FISHER *et al.*

Atty. Docket: 16517.276

Please see the attached Express Abandonment under 37 CFR § 1.138(a) for the above-identified application.

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December 22, 2005

**VIA FACSIMILE**

Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Appeal No. 2004-1275  
Confirmation No. 1048

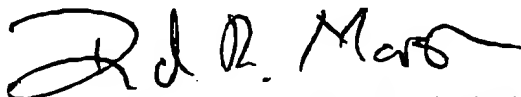
Re: U.S. Patent Application Serial No. 09/540,235 filed April 3, 2000  
Inventors: Dane K. FISHER *et al.*  
Title: Nucleic Acid Sequences from *Cyanidium Caldarium* and Uses Thereof  
Atty. Dkt.: 16517.276

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office is an Express Abandonment under 37 C.F.R. § 1.138(a). This letter and its attachment are being sent via facsimile to the attention of the Board of Patent Appeals and Interferences.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Appellants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. § 1.16 or § 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docketing number 16517.276.

Sincerely,



David R. Marsh (Reg. No. 41,408)

Attachment

I hereby certify that this transmittal and the attached Express Abandonment under 37 C.F.R. § 1.138(a) are being facsimile transmitted to the US PTO to the attention of the Board of Patent Appeals and Interferences via facsimile number (571-273-0299).

  
David R. Marsh (Reg. No. 41,408)

December 22, 2005  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Dane K. FISHER *et al.*

Appln. No.: 09/540,235

Filed: April 3, 2000

For: Nucleic Acid Sequences from *Cyanidium Caldarium* and Uses Thereof

Confirmation No.: 1048

Art Unit: 1631

Examiner: Michael L. Borin

Atty. Docket: 16517.276

**Express Abandonment Under 37 C.F.R. § 1.138(a)**

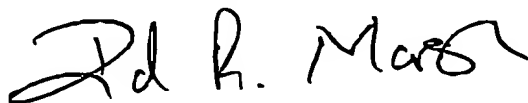
Mail Stop Express Abandonment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby expressly abandon U.S. Application Serial No. 09/540,235 under 37 C.F.R. § 1.138(a) in view of a continuing application filed on December 21, 2005.

Should the Commissioner require additional information, he is invited to contact the undersigned at the number provided below. The undersigned is an attorney of record and therefore has authority to expressly abandon the above-captioned U.S. application in favor of a continuing application filed on December 21, 2005.

Respectfully submitted,

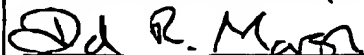


Filed: December 22, 2005

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I hereby certify that the foregoing Express Abandonment under 37 C.F.R. § 1.138(a) is being facsimile transmitted to the U.S. Patent and Trademark Office to the attention of the Board of Patent Appeals and Interferences via facsimile number (571) 273-0299.



December 22, 2005